

**U.S. Department of Labor
Office of the Solicitor**

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Reply to the Attention of: Andrew Karonis
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July 21, 2017

VIA ECF

Hon. Michael A. Shipp, U.S.D.J.
United States District Court for the
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608

Re: Secretary v. First Bankers Trust Services, Inc., et al.
Case No.: 12-CV-04450 (MAS) (DEA)

Dear Judge Shipp:

Our office represents plaintiff R. Alexander Acosta, Secretary of Labor, United States Department of Labor (the "Secretary") in the above referenced matter. I am writing to inform Your Honor that a settlement in principle between the Secretary and defendant First Bankers Trust Services, Inc. ("FBTS") was reached earlier this week. We bring this to the Court's attention as this may affect the Court's disposition of the Secretary's pending motion for reconsideration of the Court's stay (ECF No. 246).

The Secretary expects that the terms of the agreement with FBTS will be reduced to writing in no more than four weeks and that FBTS will thereafter withdraw its appeal. The Secretary's motion for reconsideration will then be rendered moot as the stay will have been lifted by its own terms. Accordingly, in the event the Court does not dispose of the Secretary's motion for reconsideration before that time, the Secretary will move to withdraw the motion for reconsideration after the appeal is withdrawn.

If Your Honor has any questions, please feel free to contact the undersigned.

Sincerely,

Jeffrey S. Rogoff
Regional Solicitor

By: s/ Andrew Karonis
Senior Trial Attorney

cc: Daniel Schnapp, Esq. (by email)
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